

which was misbranded. The product was labeled in the Italian language, and a transcription of said label in the English language is as follows: "Fernet Milano Liquor Vermifuge (worm destroyer) and the only one that possesses the true and genuine process, acknowledged and approved by various professors. It is the only Fernet on account of its being prepared in a manner entirely special. Besides having all the qualities indisputably acknowledged in that kind of liquor, it has also the value to prevent and stop sea-sickness. Therefore nobody doubts to consider it as an indispensable article for a sea voyage. It can be taken at any time in an ordinary liquor glass by itself or mixed with any other liquor or beverage. On the ocean it is taken as soon as the first symptoms of nausea are manifested. Every label will bear the signature Fernet Milano, and the capsule will be secured around the neck of the bottle with another label bearing the same signature. Guaranteed under the Food and Drugs Act, June 30th, 1906. Serial Number 14057. Fernet Milano."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	33.7
Nonvolatile matter (grams per 100 cc).....	1.528
Ash (grams per 100 cc).....	0.0556
Alkaloids (grams per 100 cc).....	0.0014
Quinin: Absent.	
Methyl alcohol: Absent.	
Emodine, licorice, and a trace of iron present.	

Misbranding of the product was alleged in the information for the reason that it was an imitation of and offered for sale under the name of another article, to wit, Fernet Milano, a well-known article, and said product was further misbranded in that the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein, whereas, in truth and in fact, it contained alcohol to the extent of 33.7 per cent by volume. Misbranding was alleged for the further reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, Fernet Milano, and further in that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof, and purported to be a foreign product when it was not so, in that said label would indicate that the article was a foreign product, to wit, a product from Italy, when it was not so, but was a product of the United States.

On November 5, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3040. Adulteration and misbranding of brown chocolate paste. U. S. v. 60 Cans of Brown Chocolate Paste. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 5060. S. No. 1701.)

On February 19, 1913, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cans, each containing 5 pounds, of an article purporting to be brown chocolate paste, remaining unsold in the original unbroken packages at a bakers' and confectioners' supply house, 1128 Penn Avenue, Pittsburgh, Pa., alleging that the product had been shipped on or about October 9, 1912, by the John G. Beekler Co., Chicago, Ill., and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "John G. Beekler Co. Manufacturers of Brown Paint Paste Color Chocolate Style 268 North Curtis Street Chicago U. S. A."

Adulteration of the product was alleged in the libel for the reason that iron oxid and arsenic, deleterious ingredients, had been added to such article of food, which rendered it injurious to health. Misbranding was alleged for the reason that the alleged article of food, which was labeled as set forth above, purported to be suitable for food purposes, when in fact it was an imitation chocolate paste and not fit for food purposes, in that it contained deleterious ingredients, to wit, iron oxid and arsenic, and said label would deceive and mislead the purchaser. Misbranding was alleged for the further reason that the alleged article of food bore a statement regarding the ingredients of said article of food which was false and misleading, to wit, that one of the ingredients of said article of food was chocolate or a suitable substitute therefor, while in fact none of the ingredients of said article of food was chocolate.

On August 20, 1913, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY. *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3041. Adulteration and misbranding of cheese. U. S. v. 20 Cases or Hoops of Cheese. Product released on bond and payment of costs. (F. & D. No. 5065. S. No. 1706.)

On February 25, 1913, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases or hoops of cheese, remaining unsold in the original unbroken packages in possession of the Whittlesey Mercantile Co., Topeka, Kans., alleging that the product had been shipped by J. L. Kraft Brothers & Co., Inc., Chicago, Ill., on February 8, 1913, and transported from the State of Illinois into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Elk Horn Brand, New York."

Adulteration of the product was alleged in the libel for the reason that it was a diluted cheese in a reduction of quality and character of product by the addition of skim milk to the extent of 33 $\frac{1}{3}$ per cent, said skim milk having been substituted wholly or in part for whole milk.

Misbranding was alleged for the reason that the quotations worded and designed on the label on the top or lid of each of said cases as hereinbefore set forth conveyed the impression that the cheese or product was whole milk of 50 per cent butter fat contents of water-free substance, when, in truth and in fact, said cheese was wholly or in part a skim-milk cheese, reduced in quality or character by the substitution of skim milk which had been substituted to the extent of 33 $\frac{1}{3}$ per cent for whole milk; that said wording and labels were calculated to mislead the purchaser and were therefore false and misleading.

On April 19, 1913, the J. L. Kraft Brothers & Co., Chicago, claimant, filed their petition admitting the allegations of the libel and offering a bond in the sum of \$500 in conformity with section 10 of the act, and declaring its willingness that an order be entered requiring it to pay the costs of the proceeding upon the release of the product. It was ordered by the court on said date that the bond offered by the petitioner be approved; that the product be released to said petitioner; that the petitioner be required to pay the costs of the proceedings, and that the foregoing provisions being complied with by said petitioner the case should stand dismissed.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3042. Adulteration of strawberry ice cream. U. S. v. The Moores & Ross Milk Co. Plea of nolo contendere. Fine, \$15 and costs. (F. & D. No. 5066. I. S. No. 36243-e.)

On May 7, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against The Moores & Ross Milk Co., a corpora-